



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/814,126	03/22/2001	Masahiro Sawayanagi	06753.0427	2046

22852 7590 09/16/2003

FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER
LLP
1300 I STREET, NW
WASHINGTON, DC 20005

EXAMINER

WOOD, KIMBERLY T

ART UNIT

PAPER NUMBER

3632

DATE MAILED: 09/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/814,126

Applicant(s)

SAWAYANAGI, MASAHIRO

Examiner

Kimberly T. Wood

Art Unit

3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 11-14 is/are allowed.
- 6) ☒ Claim(s) 6-8 is/are rejected.
- 7) ☐ Claim(s) 2-5, 9 and 10 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Art Unit: 3632

This is the third office action for serial number 09/814,126, entitled Bracket For Mounting Auxiliary Machinery To Vehicle Body, in response to After Final Amendment filed on June 13, 2003.

Response to Amendment

Applicant's after Final amendment filed on June 13, 2003 has been entered. The finality of the last office action has been withdrawn based upon further consideration and a new ground(s) of rejection has been made in view of Curtindale.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Curtindale 6,003,928. Curtindale discloses a first bracket (41) with shaft supporting portion (45) and engaging portion (55) near a peripheral wall portion of the

Art Unit: 3632

shaft supporting portion (near being not far in distant), a second bracket with engagement portion (99), and fixing means (121). Curtindale discloses that the engaging portion (55) is adapted so that the engagement portion (99) is slidably inserted into the engaging portion (55) when the second bracket is rotated the portions slidably engage one another. Curtindale discloses all of the limitations of the claimed invention except for the engagement portion adapted so that the engaging portion is slidably inserted into the engagement portion. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have made the engagement portion adapted so that the engaging portions is slidably inserted into the engagement portion, since it has been held that a mere reversal of the essential working parts of a device involves only routine skill in the art without destroying the invention or producing any unexpected results. *In re Einstein*, 8 USPQ 167.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Curtindale 6,003,928 in view of Jacquemin et al. (Jacquemin) 5,975,617. Curtindale discloses all of the limitations of the claimed invention except for the cylindrical body is protruded from said first bracket obliquely upward. Jacquemin teaches that it is known to have a the cylindrical body (3) is protruded from said first bracket obliquely upward.

Art Unit: 3632

It would have been obvious to one having ordinary skill in the art to have modified Curtindale to have made the cylindrical body protruding from the first bracket obliquely upward as taught by Jacquemin for reducing the amount of force needed to insert the shaft into the shaft portion.

Allowable Subject Matter

Claims 11-14 are allowed.

Claims 2-5, 9 and 10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is an examiner's statement of reasons for allowance: the prior art of record does not disclose a guide holding plate forming the engagement portion, in a peripheral edge portion of the said opening portion, connectors arranged in said first bracket and said second bracket and connected to each other in a paired manner in a state of assembling the first and second brackets, wherein a wire connected to an electrical equipment of the machinery is connected to said connector arranged in first bracket, or a spacer piece formed in one of said first bracket and said second bracket and brought into contact the other of said first and second brackets so as to

Application/Control Number: 09/814,126
Art Unit: 3632

Page 5

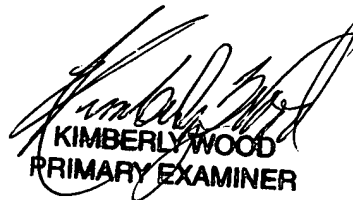
keep a predetermined distance with respect to said other of said first and second brackets.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimberly Wood whose telephone number is (703) 308-0539. The examiner can normally be reached on Monday-Thursday from 7:30 AM to 5:00 PM. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-2168. The fax number for an Official Amendment or Response is (703) 872-9306. The fax number for an Unofficial Amendment or Response is (703) 308-3519.

Kimberly Wood
Primary Examiner
September 12, 2003



KIMBERLY WOOD
PRIMARY EXAMINER